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Apple Inc.

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA  
SAN FRANCISCO DIVISION

ASHLEY GJOVIK,  
Plaintiff,  
v.  
APPLE INC.,  
Defendant

Case No. 23-cv-4597-EMC

**DECLARATION OF JESSICA R.  
PERRY IN SUPPORT OF DEFENDANT  
APPLE INC.'S OPPOSITION TO  
MOTION TO DISQUALIFY**

Dept: Courtroom 5, 17th Floor  
Judge: Honorable Edward M. Chen  
Date: March 13, 2025  
Time: 1:30 p.m.

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15 Attorneys for Defendant  
16 Apple Inc.

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1 I, Jessica R. Perry, declare as follows:

2 1. I am an attorney admitted to practice law in the state of California and am a partner  
 3 at the firm Orrick, Herrington & Sutcliffe LLP. I am counsel for defendant Apple Inc. in this action.  
 4 I submit this declaration in support of Apple's Opposition to Plaintiff's Motion to Disqualify. I  
 5 have personal knowledge as to the facts set forth in this declaration. If called as a witness, I could  
 6 and would testify competently thereto.

7 2. I did not engage in any of the misconduct alleged by Plaintiff in her Motion, and to  
 8 the best of my knowledge, no Orrick attorney engaged in any such misconduct.

9 3. I have not been involved, directly or indirectly, in any harassment, intimidation, or  
 10 retaliation against Plaintiff, and to the best of my knowledge, no Orrick attorney has been involved  
 11 in such conduct.

12 4. I was not involved, directly or indirectly, in seeking the restraining order issued  
 13 against Plaintiff by Judge Lisa N. Toole in *Scarlett v. Gjovik*, King County District Court, State of  
 14 Washington, Case No. 22CIV01704KCX. To the best of my knowledge, no Orrick attorney was  
 15 involved, directly or indirectly, in seeking that restraining order.

16 5. Apple has produced 553 pages of documents in response to Plaintiff's October 30,  
 17 2024 requests for production, and a total of 2,102 pages of documents in this case (including as part  
 18 of its General Order 71 disclosures).

19 6. Plaintiff has not met and conferred with Orrick via video conference regarding any  
 20 of the discovery disputes that are the subject of the four letters she filed before Judge Westmore on  
 21 February 11, 2025.

22 7. Plaintiff has not served any objections or responses to Apple's December 3, 2024  
 23 requests for production and interrogatories, nor has Plaintiff provided any documents or  
 24 information in response to those discovery requests.

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1       8.       On November 17, 2022, my colleague, Kathryn Mantoan, emailed the Occupational  
 2 Safety and Health Administration (“OSHA”) to inform OSHA that Plaintiff publicly posted a  
 3 version of her complaint in *Gjovik v. Apple Inc.*, OSHA Case No. 9-3290-22-051, which contained  
 4 Apple confidential information. A true and correct copy of that email is attached hereto as **Exhibit**  
 5 **A.**

6       9.       I have never communicated with Cher Scarlett. To the best of my knowledge, no  
 7 Orrick attorney has communicated with Ms. Scarlett.

8       10.      The unredacted version of Dkt. No. 155-2 at 31-45 does not contain any nude  
 9 photographs of Plaintiff.

10       11.      On September 30, 2022, my colleague, Kathryn Mantoan, emailed OSHA a  
 11 partially-redacted version of Dkt. No. 155-2 at 31-45 in connection with *Gjovik v. Apple Inc.*,  
 12 OSHA Case No. 9-3290-22-051, in response to a request from OSHA for “[d]ocumentation to  
 13 support Ms. Gjovik intentionally disclosed confidential information about Apple products on  
 14 Twitter and to the press” (see Dkt. No. 155-2 at 25). The document was partially redacted to protect  
 15 Apple’s confidential information.

16       12.      Apple has not yet produced an unredacted version of Dkt. No. 155-2 at 31-45 in this  
 17 case because it contains confidential information and Plaintiff has refused to agree to any protective  
 18 order.

19       13.      On December 18, 2023, my colleague, Kate Juvinall, emailed Plaintiff and provided  
 20 “a proposed protective order based on the form Northern District order” and invited Plaintiff to  
 21 provide “any comments or proposed revisions.” A true and correct copy of that email is attached  
 22 hereto as **Exhibit B**, and a true and correct copy of the “proposed protective order” attached to that  
 23 email is attached hereto as **Exhibit C**. In response, Plaintiff filed a charge with the National Labor  
 24 Relations Board against Apple alleging that Apple violated Section 8(a)(1) of the National Labor  
 25 Relations Act by proposing that Plaintiff enter into a purportedly overbroad protective order.

26       14.      On December 11, 2024, Plaintiff emailed me and other Orrick attorneys and  
 27 expressed a willingness to agree to “very targeted protective orders for matters that are actually  
 28 trade secret or otherwise confidential.” On December 20, 2024, my colleague, Melinda Riechert,

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1 emailed Plaintiff and stated, "Apple is willing to enter into the NDCA model protective order. You  
2 had previously refused to do so. If you have changed your position, please let us know." A true and  
3 correct copy of that email exchange is attached hereto as **Exhibit D**.

4 15. To date, Plaintiff has refused to agree to any protective order, nor has she provided  
5 her own version of a proposed protective order or any specific alternative language to which she  
6 would agree.

7 I certify under penalty of perjury and pursuant to the laws of the United States that the  
8 foregoing is true and correct.

9 Executed February 14, 2025 in Menlo Park, California.

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*/s/ Jessica R. Perry*

Jessica R. Perry

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